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HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S) No. 1449 of 2007.

PETITIONER : Smt. Vimla Giri, wife of Shri Pitambar Giri, aged about 48 years, working as Assistant Teacher, Governmetn High School, Sarona, Distt. Kanker (C.G.) resident of Pani Tanki Road, Bharripara, Sarona, Kanker (CG).

VERSUS

RESPONDENTS :

1. State of Chhattisgarh, through the Secretary, Department of Tribal Welfare, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Assistant Commissioner, Tribal Welfare Department, Distt. Kanker, (C.G.)
3. Principal, Government Higher Secondary School, Sarona, Kanker (C.G.)
4. Rajendra Bishta, son of Bhola Datta Bishta, aged about 47 years, resident of village and post Sarona, P.S. Dadhona, Distt. Kanker (C.G.)

Present: Shri Rahul Jha, Advocate for the petitioner.
Miss Deepali Pandey Panel Lawyer for the State/respondents 1 to 3.
None appears for respondent no. 4.

ORDER
(Passed on 13th of March, 2007)

1. The petitioner, while working as Assistant Teacher in Government Higher Secondary School, Sarona, District Kanker was suspended by order dated 12.2.2007 (Annexure P/10) on the ground that in

view of several complaints, a disciplinary proceedings against her is contemplated.

2. The learned counsel appearing for the petitioner submits that she is a victim of a case. Charge-sheet has been filed against the respondent no. 4.

3. Be that as it may. It is for the petitioner to prove the fact as to whether a false complaint was made or not in the disciplinary proceedings. This Court cannot examine the factual aspect of the matter for which a disciplinary proceeding is contemplated. The impugned order of suspension passed under section 9(1)(a) of M.P. Civil Services (Control, Classification and Appeal) Rules, 1966 which clearly provides that the appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in behalf of Government by general or special order, may place the government servant under suspension where a disciplinary proceeding against him is contemplated or is pending.

4. There is no grievance that the officer passing the impugned suspension order is not a competent authority. Admittedly, the departmental proceedings against her is contemplated as required under section 9(1)(a) of M.P. Civil Services (Control, Classification and Appeal) Rules, 1966.

5. It is well settled principle of law that the suspension is temporary and it does not involve punishment with evil consequences.

Suspension means a temporary deprivation of the functions not amounting to any reduction of his rank or his status. The employee under suspension continues to be a Government Servant, he is not permitted to work keeping in view pendency of departmental enquiry to avoid undue influence in the proceedings of the departmental enquiry and likely tampering with on records. At this stage is it not necessary to go into the charges levelled against the petitioner because it may prejudice the case of the parties in the pending departmental enquiry (See. Smt. Philomina Ekka Vs State of C.G. & Others[1]).

6. I do not propose to examine the allegations made in the suspension order as the enquiry is already pending consideration. This order will not come in the way of enquiry, pending against the petitioner on merit. The enquiry authority may proceed with the enquiry uninfluenced by this order.

7. In view of foregoing, the petition is dismissed. No order as to costs.

8. Consequently, M(W)P No. 929/2007, application for grant of interim relief, stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

1. 2006 (2) C.G.L.J. 64

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